

THE OFFICE ACTION

In the Office Action dated August 14, 2003, the Examiner rejected all pending claims based on a number of rejections. The Examiner rejected claims 1-6, 8, 12, 13, 16 and 17 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,813,753 to Vriens et al. ("Vriens"). The Examiner rejected claim 18 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,084,250 to Jüstel et al. ("Jüstel"). The Examiner further rejected claims 9-11, 14 and 15 under 35 U.S.C. §103(a) as being unpatentable over Vriens in view of U.S. Patent No. 5,838,100 to Jansma ("Jansma"). The Examiner rejected claim 19 under 35 U.S.C. §103(a) as being unpatentable over Vriens in view of U.S. Patent No. 5,793,061 to Ohuchi et al. ("Ohuchi").

REMARKS/ARGUMENTS

Applicants have carefully considered the Office Action issued on August 14, 2003. Applicants respectfully request reconsideration of the application in light of the above amendments and the following comments. Claims 1-6, 8-22 remain pending in the application.

Independent claims 1, 18 and 19 have been amended to recite that the UV reflecting layer and/or material allows a substantial portion of visible light to pass through. Applicants submit that the above amendments do not raise new matter as support for the amendments can be found in the specification as originally filed. Specifically, support for the amendments to claims 1, 18 and 19 and new claims 20-22 may be found on page 5, lines 1-4 of the application.

Applicants submit that the above amendments place the claims in condition for allowance because none of the cited references disclose or suggest a UV reflecting layer that allows visible light to pass through it. Specifically, Vriens discloses the use of a "UV and visible mirror" which "reflects both the UV/blue light generated by the LED 21 as well as the visible light generated by the phosphor 24." (col. 3, lines 21-23). Jüstel also discloses an LED device including a mirror for UV and visible light (col. 3,

lines 5-7). Thus, the structures of the references will reflect all or substantially all of the visible light that strikes them. Accordingly, they cannot meet the limitation Applicants claim.

Furthermore, Applicants claimed invention is diametrically opposed to the teachings of Vriens and Jüste. Moreover, Vriens and Jüste include a mirror layer to reflect both UV and visible radiation. Applicants do not claim a mirror device but rather a substantially only UV absorbing material. This distinction is particularly clear in claims 12, 13, and 14, wherein the UV reflecting material is outward from the phosphor layer (12 and 13) or interspersed therein (14). In this regard, the mirror device of Vriens or Jüste would be non-functional in Applicants claimed design as no light would be transmitted by the apparatus.

With regard to the combination with Jansma, Applicants note that no motivation exists to make the combination asserted by the Examiner. Particularly, placing only a UV reflective material from Jansma where the mirror is of Jüste/Vriens would significantly degrade the performance of the light-emitting device as the visible light, intended for emission, would not be efficiently reflected outward.

Applicants therefore submit that without the benefit of these primary references the Examiner's rejections cannot be sustained. Applicants therefore request withdrawal of all pending rejections.

CONCLUSION


Applicants respectfully request reconsideration of the application in light of the above comments. Applicants submit that all claims are now patentable. If there are any issues remaining, the Examiner is encouraged to contact the undersigned in an attempt to resolve any such issues.

If any fee is due in conjunction with the filing of this Amendment, Applicant authorizes deduction of that fee from Deposit Account 06-0308.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP

Date: November 14, 2003



Scott A. McCollister, Reg. No. 33,961
Joseph E. Waters, Reg. No. 50,427
1100 Superior Avenue, Seventh Floor
Cleveland, Ohio 44114-2518
216.861.5582